

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08cr3173
)	
v.)	
)	
BRANDI L. PHILLIPS,)	TENTATIVE FINDINGS ON THE
)	REVISED PRESENTENCE
Defendant.)	INVESTIGATION REPORT
)	

The defendant, Brandi L. Phillips, has pleaded guilty to two counts of the Indictment, charging her with conspiracy to distribute 500 grams or more of a mixture or substance containing a detectible amount of methamphetamine. She agrees that she should be held responsible beyond a reasonable doubt for at least 1.5 kilograms, but not more than 5 kilograms of a substance containing a detectible amount of methamphetamine. Her base offense level is 34. Because she has accepted responsibility, she is entitled to a three-level reduction of the offense level and, because she meets the requirements of U.S.S.G. 201.1(b)(11), she is entitled to a reduction of two levels from her base offense level, resulting in a total offense level of 29. Her criminal history category is I, calling for a range of imprisonment under the Guidelines of 87 to 108 months, a supervised release range of 3 to 5 years, a fine of \$15,000 to \$4 million, a special assessment of \$100. I have not found a reason for a sentence less than 87 months. I tentatively find that she cannot reasonably be expected to find the ability to pay a fine, but she should be held to a special assessment of \$100 for each count to which she has pleaded guilty.

The Revised Presentence Investigation Report is found tentatively to be true and accurate. Objections to it may be made at the time of the sentencing, but no evidence shall be received and

none has been requested. No objections have been filed to the Revised Presentence Investigation Report.

Dated June 10, 2009.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge